

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.02.2019

CORAM
THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.14235 of 2018

Ambalavanar Trust,
Represented by its Secretary,
P.Radhakrishnan,
Masilamani Nagar, Kanchipuram Road,
Wallajabad, Kanchipuram District-631605.

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Kanchipuram, Collector Office Complex,
Kanchipuram District 631501.

2.The Tahsildar,
Sriperumbadur Taluk,
Kanchipuram District.

3.K Sivan Arul @ Rajeshwari

4.K Sundhandira Devi

5.K.Renuka

6.K.Komalavalli

7.K.Thilagavathi @ Kalavathi

8.K.T. Mudaliar @ Thirunavukarasu

9.S.Dhanasekhar

10.P. Kathiravan

11.N. Vijayamaohan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to consider and pass order on the appeal filed by the petitioner under Section 12 of Tamil Nadu Patta Pass Book Act 1983 dated 28.03.2018 seeking to cancel the order passed by the 2nd respondent in issuing patta to private respondents namely the properties owned by the Petitioner Trust through Patta No 22.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents: Mr.S.Soundararajan
Government Advocate for R1 & R2
Mr.D.Balachandran for R3 to R7
No appearance for R8,9,10 & 11

O R D E R

The petitioner seeks for a mandamus directing the 1st respondent to consider and pass order on the appeal filed by the petitioner under Section 12 of Tamil Nadu Patta Pass Book Act 1983 dated 28.03.2018 seeking to cancel the order passed by the 2nd respondent in issuing patta to private respondents namely the properties owned by the petitioner Trust through patta No.22.

2. Heard Mr.P.Ebenezer Paul, learned counsel for the petitioner, Mr.S.Soundararajan, learned Government Advocate for the 1st and 2nd respondents and Mr.D.Balachandran, learned counsel for the 3rd to 7th respondents. Though the notice was served on the other respondents, they have not chosen to appear either in person or through counsel. Their names are printed in the cause list.

3. It is seen that the petitioner aggrieved against the order of the second respondent-Tahsildar has filed an appeal before the first respondent in respect of patta proceedings on 28.03.2018. The grievance of the petitioner is that the first respondent has not taken up the appeal and disposed the same till this date. This Court, at this stage, is not expressing any view on the merits of appeal filed by the petitioner, as it is for the first respondent to consider and decide. Therefore, without expressing any view on the merits of the claim made by the petitioner as well as the other contesting respondents, this writ petition is disposed of only by directing the first respondent to take up the appeal filed by the petitioner dated 28.03.2018 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to all the parties. Such exercise shall be done by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sni/vri

To

1. The Revenue Divisional Officer,
Kanchipuram, Collector Office Complex,
Kanchipuram District 631501.
2. The Tahsildar,
Sriperumbadur Taluk,
Kanchipuram District.

+lcc to Mr.P.Ebenezer Paul, Advocate, S.R.No.13581

+lcc to Mr.D.Balachandran, Advocate, S.R.No.13792

+lcc to the Government Pleader, S.R.No.14138

W.P.No.14235 of 2018

RR(CO)

rrs 08/03/2019



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